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FACSIMILE SUBMISSION UNDER 37 CFR 1.8

TO:	FROM:
Examiner William H. Matthews	Daniel J. Hanson
COMPANY:	DATE:
U.S. Patent & Trademark Office	APRIL 11, 2005
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
703-872-9306	5
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
571-272-4753	1023-330US01
RE:	APPLICATION SERIAL NUMBER:
Response to Restriction Requirement and Interview Summary	10/731,868

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PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ruchika Singhal; Robert M. Skime; Carl D. Wahlstrand Confirmation No. 6697
Serial No.: 10/731,868
Filed: December 9, 2003 Customer No.: 28863
Examiner: William H. Matthews
Group Art Unit: 3738 Docket No.: 1023-330US01
Title: IMPLANTATION OF LOW-PROFILE IMPLANTABLE MEDICAL DEVICE

CERTIFICATE UNDER 37 CFR 1.8 I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on April 11, 2005.

By: Shirley A. Betlach

Name: Shirley A. Betlach

Mail Stop Amendments
Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached correspondence relating to this application:

- ☒ Transmittal sheet containing Certificate of Mailing
- ☒ Response to Restriction Requirement (2 pgs.)
 - ☒ No additional fee is required
- ☒ Interview Summary(1 pg.)

Please apply any charges not covered, or any credits, to Deposit Account No. 50-1778.

Date:

11 APRIL 2005

By:

Daniel J. Hanson

Name: Daniel J. Hanson

Reg. No.: 46,757

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Ruchika Singhal; Robert M. Skime; Carl D. Wahlstrand	Confirmation No.	6697
Serial No.:	10/731,868		
Filed:	December 9, 2003	Customer No.:	28863
Examiner:	William H. Matthews		
Group Art Unit:	3738	Docket No.:	1023-330US01
Title:	IMPLANTATION OF LOW-PROFILE IMPLANTABLE MEDICAL DEVICE		

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The following is in response to the Office Action mailed March 17, 2005, the period of response for which runs through April 17, 2005.

Restriction Under 35 U.S.C. § 121

In the Office Action, the Examiner restricted claims directed to the following Groups of patentably distinct species of the claimed invention under 35 U.S.C. § 121:

Group I. Surgeries

- A. Implanting a low-profile medical device
- B. Implanting a dummy medical device

Group II. Low Profile Implantable Medical Devices

- AA. Figure 6
- BB. Figure 7
- CC. Figure 8
- DD. Figure 9
- EE. Figure 10

Application Number 10/731,868
Responsive to Office Action mailed March 17, 2005

FF. Figure 11

GG. Figure 12

HH. Figure 13

During an interview with the Examiner by telephone on April 1, 2005, the Examiner clarified that Applicant should elect Group I(A) or Group I(B). Applicant elects Group I(A) (implanting a low profile medical device) without traverse.

The Examiner further explained that Applicant should elect a device from Group II. The undersigned explained that all of the devices depicted in Group II were low-profile devices, and further explained that a device depicted in some figures is the same as the device depicted in other figures. The Examiner clarified that Applicant may select multiple figures from Group II that pertain to the same device.

Applicant elects Groups II(BB, CC and GG) (FIGS. 7, 8 and 12, showing device 12A) with traverse. Claim 1 is generic as to all of the devices, including the device with a tether (shown in FIG. 11).

Claims 1-13 and 15-17 pertain to all of the low-profile device implantation claims and in particular to the device of Groups II(BB, CC and GG).

CONCLUSION

Applicant respectfully requests prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date:

By:

11 APRIL 2005
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